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TRANSMITTAL FORM

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		Application Number	10/625,943
		Filing Date	July 24, 2003
		First Named Inventor	Joseph Vaughn Rustad
		Group Art Unit Number	Not Yet Known
		Examiner Name	Not Yet Known
Total Number of Pages in This Submission	5**	Attorney Docket Number	16010-07269

ENCLOSURES (check all that apply)

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REMARKS: ** "Total Number of Pages in this Submission" does not include cited references.

SIGNATURE OF ATTORNEY OR AGENT

Signature:		
Attorney/Reg. No.:	Rajiv P. Patel, Reg. No. 39,327	Dated: 19 Dec. 2003

CERTIFICATE OF MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Joseph Vaughn Rustad et al.

APPLICATION NO.:

10/625,943

FILING DATE:

July 24, 2003

TITLE:

SYSTEM AND METHOD OF ACTIVE LATENCY DETECTION FOR
NETWORK APPLICATIONS

EXAMINER:

Not yet known

GROUP ART UNIT:

Not yet known

ATTY. DKT. NO.:

16010-07269

CERTIFICATE OF MAILING

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Dated: 19 Dec. 2003

By: Rajiv Patel

Rajiv P. Patel, Reg. No.: 39,327

COMMISSIONER FOR PATENTS

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ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

- before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
 - Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
 - Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
 - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
 - no item of information contained in this Information Disclosure Statement was cited in a communication from a

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foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. APPLICATION NO., filed on DATE FILED, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

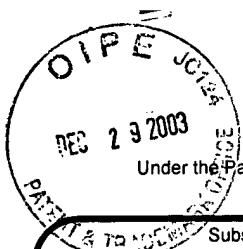
Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
Joseph Vaughn Rustad et al.

Dated: 19 Dec. 2003

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT****Complete if Known**

Application No.	10/625,943
Filing Date	July 24, 2003
First Named Inventor	Joseph Vaughn Rustad
Art Unit	Not Yet Known
Examiner Name	Not Yet Known

Sheet

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of

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Attorney Docket Number

16010-07269

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
A	US-6,598,012	07-22-2003	Berry et al.	
B	US-6,553,564	04-22-2003	Alexander, III et al.	
C	US-6,546,548	04-08-2003	Berry et al.	
D	US-6,513,155	01-28-2003	Alexander, III et al.	
E	US-6,513,060	01-28-2003	Nixon et al.	
F	US-6,507,805	01-14-2003	Gordon et al.	
G	US-6,470,378	10-22-2002	Tracton et al.	
H	US-5,935,249	08-10-1999	Stern et al.	
	US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.